

REMARKS

I. Introduction

In response to the Office Action dated November 14, 2007, Applicants have amended claim 19 to more particularly point out and distinctly claim the subject matter of the invention. Care has been taken to avoid the introduction of new matter. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

II. Claim Rejections Under 35 U.S.C. §§ 102 and 103

Claims 19, 21, and 26 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Hofschen (WO 99/00962). Claims 20 and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hofschen in view of Chin (USP 5,661,788). Applicants traverse these rejections for at least the following reasons.

Claim 19 is directed to a portable telephone set which comprises a volume control portion which includes a talking volume adjusting part, a music volume adjusting part, and a control part controlling, mutually independently, said talking volume adjusting part and said music volume adjusting part. Hofschen fails to disclose at least this combination of features.

The Examiner equates volume control LSR of Hofschen (page 12, lines 15 – 21) with the volume control portion recited in claim 19. However, Hofschen does not disclose that LSR controls the talking and music volume. Moreover, Hofschen does not disclose or even suggest that the volume control portion includes a control part which controls, mutually independently, a talking volume adjusting part and a music volume adjusting part.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and Hofschen fails to disclose at least the above identified features, Hofschen clearly fails to anticipate claim 19.

Claims 20 – 22 and 26 depend from claim 19. Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 19 is patentable for the reasons set forth above, it is respectfully submitted that all dependent claims are also in condition for allowance.

III. Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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